



[10191/2131]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : SARFERT et al.

Confirmation No.: 9008

Serial No. : 10/075,834

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Filed : February 13, 2002

DEC 08 2003

For : METHOD AND DEVICE FOR STATE SENSING OF  
TECHNICAL SYSTEMS SUCH AS ENERGY STORES**TC 1700**

Examiner : T. Le

Art Unit : 2863

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Alexandria, VA 22313-1450, onDate 12/3/03Atty's Reg. # 41,172

Atty's Signature

Dervis Magistre  
KENYON & KENYONCustomer No. : 26646  
  
Mail-Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE**

SIR:

In response to the Office Action dated September 3, 2003, reconsideration of the above-referenced application is respectfully requested in view of the following remarks.

**REMARKS**

Claims 1-12 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 1, 7, and 9-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,349,540 to Birkle et al. ("Birkle"). Regarding claim 1, Applicants disagree with this rejection for at least the reason that Birkle does not teach that "a selection of at least one of ... the at least one system-dependent model parameter determined by estimation depends on a dynamic response of the at least one measured performance quantity." In Birkle, which is directed to the use of a model supported simulation to determine a state of a rechargeable electric energy storage device, a "model calculation (6) is conducted parallel to the real process." Column 4, lines 35-36. The "real process" refers to the "charging/discharging (process)" of the storage device. Column 3, lines 60-61. In the calculation, "input values stemming from the measurement are utilized to calculate the model output values...using model equations (7) and the corresponding model parameters (8) of the current state of the process." Column 4, lines 35-41. Thus, the model

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*Richard L. Mayer*  
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SIR:

Please find a Response transmitted herewith for filing in the  
above-identified patent application.

No fee is believed to be required. However, if any fee is required,  
please use Deposit Account No. 11-0600. A duplicate copy of this transmittal letter is  
enclosed for that purpose.

Respectfully submitted,

KENYON & KENYON

*By: Richard L. Mayer (Reg. No. 41,172)*

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Dated: 12/3/03

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